

REMARKS

Reconsideration and allowance are respectfully requested.

Claims 37-46 are now pending, with Claim 37 being the sole independent claim.

Claims 1-36 have been cancelled without prejudice to or disclaimer of the subject matter recited therein.

Claims 37-46 have been added. Applicants submit that newly added claims more clearly and distinctly recite that which applicants consider to be their invention, and are adequately supported by the original disclosure. Support for the sequence identity recited in Claim 37 is found at least in the paragraph beginning on line 22 of page 7 of the specification. Support for the use of the term "recombinant" in Claims 41, 43 and 45-46 is found at least in the paragraph beginning on line 3 of page 12 of the specification. Support for Claims 44-46 are found at least in Examples 4-5, pages 21-25 of the specification. No new matter has been added.

The specification has been amended at two locations to remove reference to the following URL: www.ncbi.nlm.nih.gov/BLAST/.

RESPONSE TO RESTRICTION REQUIREMENT

In response to the Restriction Requirement in the Office Action mailed September 23, 2003, Applicants hereby elect, without traverse, Group I (drawn to a polynucleotide, method of transforming a cell, and method of producing a transgenic plant) and Group G (drawn to a polynucleotide of SEQ ID NO:13 or corresponding polypeptide of SEQ ID NO:14). Applicants believe new Claims 37-46 fall into Group I.

Please charge any fees or credit any overpayment of fees which are required in connection herewith to Deposit Account No. 04-1928 (E. I. du Pont de Nemours and Company).

In view of the foregoing, allowance of the above-referenced application is respectfully requested. Applicants' undersigned may be reached at the below-listed numbers.

Respectfully submitted,

Dawn S. Clark

DAWN S. CLARK
AGENT FOR APPLICANTS
REGISTRATION NO. 42,420
TELEPHONE: 302-695-1080
FACSIMILE: 302-695-3125

Dated: 2/17/2004